

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII**

In Re:  
**Ke Kailani Development, LLC**  
Debtor(s).

Case No.: **11-00019**

Chapter: **11**

**ORDER IN A CHAPTER 11 CASE**

WHEREAS, an order for relief has been entered in this case commenced under chapter 11 of the Bankruptcy Code,

**IT IS ORDERED:**

The Debtor and, if any, the Debtor's trustee, officers, directors, controllers, or responsible individuals shall comply with the following:

**I. SERVICE OF THE PETITION**

The Debtor shall serve as soon as practicable after entry of this order a copy of the bankruptcy petition on the **Securities and Exchange Commission**, the **District Director of Internal Revenue**, the **Department of Labor and Industrial Relations, State of Hawaii**, and the real property taxing authority of each county of the State of Hawaii in which the Debtor has an interest in real property or is liable for the payment of real property taxes. The copy of the petition shall be sent to the above entities at the respective addresses listed on Attachment 1 to this order.

**II. SERVICE OF PLAN AND DISCLOSURE STATEMENT**

The Debtor shall serve the plan and disclosure statement, and the notice of the hearing thereon, on the **Securities and Exchange Commission** at the address listed on Attachment 1 to this order.

**III. TAXES**

The Debtor shall file all tax returns and pay all federal, state, county and other taxes as they become due.

A. Segregation of Taxes. The debtor shall segregate and hold separate and apart from all other funds, all withholding, social security (both the employees' and employer's portions), excise, agricultural, or other taxes collected, received or withheld for or on behalf of the United States, State, or other governmental entity.

1. Withholding Taxes. The Debtor shall deposit taxes arising from the payment of wages or salaries in the manner provided by law. Information concerning these deposits is available from the Internal Revenue Service (IRS) in Circular E, Employer's Tax Guide.

2. Excise Taxes. The debtor shall deposit excise taxes in the manner provided by law. Information concerning these deposits is available from the IRS in Form 720, Quarterly Federal Excise Tax Return.

B. Filing of Return, Payment of Taxes.

1. Federal Taxes. The Debtor shall file timely federal tax returns as required by law at the address listed on Attachment 1 to this order, or as otherwise instructed by the IRS.

2. State Taxes. The Debtor shall pay all State of Hawaii tax liabilities as they become due, including, without limitation, net income tax, general excise tax, use tax, real property tax, and withholding tax to the **Department of Taxation, State of Hawaii**, at the address listed on

Attachment 1 to this order, or as otherwise instructed by the Department of Taxation. Further, with respect to taxes arising out of the payment of wages or salaries, the Debtor shall pay such taxes within 5 business days after payment of such wages or salaries.

3. State of Hawaii Unemployment Insurance Taxes. The Debtor shall pay all State of Hawaii unemployment insurance taxes as they become due to the **Unemployment Insurance Division, Department of Labor and Industrial Relations, State of Hawaii**, at the address listed on Attachment 1 to this order, or as otherwise instructed by the Department of Labor and Industrial Relations.

4. County Taxes. The Debtor shall pay all county real property taxes as they become due in the manner provided by the relevant ordinances and regulations.

#### IV. BANKRUPTCY QUESTIONNAIRE

The Debtor shall complete the attached Bankruptcy Questionnaire and send a copy of the completed questionnaire within 15 days after the date of entry of this order to the **Internal Revenue Service, the Department of Taxation, State of Hawaii**, and the **Department of Labor and Industrial Relations, State of Hawaii**, at the respective addresses listed on Attachment 1 to this order.

#### V. FAILURE TO COMPLY

The failure of the Debtor to comply with provisions of this order will be a basis for dismissal of the case or conversion to chapter 7 of the Bankruptcy Code.

**Dated: January 5, 2011**

Honolulu, Hawaii

United States Bankruptcy Judge

## BANKRUPTCY QUESTIONNAIRE

Name of the Debtor (include dba's if any)       Debtor EIN Number: Debtor Hawaii Excise Tax Number:	Address/Telephone number of the Debtor:       
Attorney for the Debtor (Name, address and telephone number)	Corporate Officers/Partners (Names and Titles)       
Power of Attorney for tax matters?      Yes      No Individual/Organization Responsible for Payroll Records (Name/Address/Telephone Number)	Usual Pay Periods:    Usual Pay Dates:
Average Gross Payroll Per Pay Period for last six months.	Average Withholding Tax Liability Per Pay Period for the last six months:  State:  Federal:
Average Social Security Liability Per Pay Period – Including Employer's Portion for the last 6 months:	Average State Unemployment Insurance Taxes Per Pay Period:
Average Number of Employees Per Pay Period for the last 6 months:	Average Excise Tax Per Quarter:  State:
Estimated Number of Employees to be retained through Chapter 11 case:	Federal:
Dated: _____	Prepared by: _____

## ATTACHMENT 1

Agency	Address	Required Transmittal
Securities and Exchange Commission	Securities and Exchange Commission Pacific Regional Office Attn: Bankruptcy Counsel 5670 Wilshire Blvd. 11th Floor Los Angeles, CA 90036-3648	Petition Disclosure Statement Plan
Internal Revenue Service	Internal Revenue Service IRS SPF Insolvency 300 Ala Moana Blvd., Stop H240 Honolulu, HI 96850-4992	Petition Tax Returns Bankruptcy Questionnaire
Department of Labor and Industrial Relations State of Hawaii	DLIR Director's Office 830 Punchbowl Street, Room 321 Honolulu, HI 96813	Petition Bankruptcy Questionnaire
Department of Taxation State of Hawaii	Department of Taxation State of Hawaii P.O. Box 259 Honolulu, HI 96809	Tax Returns and Payments Bankruptcy Questionnaire
Unemployment Insurance Division DLIR State of Hawaii	Unemployment Insurance Division, DLIR State of Hawaii Attn: Oahu Branch P.O. Box 700 Honolulu, HI 96809	Unemployment Insurance Taxes
City and County of Honolulu	Real Property Tax Collection Unit Division of Treasury City and County of Honolulu 530 South King St. Honolulu, HI 96813	Real Property Taxes- Oahu
County of Hawaii	County of Hawaii Attn: Corporation Counsel 101 Aupuni Street, Suite 325 Hilo, HI 96720	Real Property Taxes - Hawaii
County of Kauai	County of Kauai Real Property Tax Collection Unit 4444 Rice St. Suite A-463 Lihue, HI 96766-1340	Real Property Taxes - Kauai
County of Maui	County of Maui Director of Finance 200 South High Street Wailuku, HI 96793	Real Property Taxes - Maui